

ESTTA Tracking number: **ESTTA333142**

Filing date: **02/19/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

Name	King Ranch IP, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	1105 N. Market Street Suite 1300 Wilmington, DE 19801 UNITED STATES		

Name	King Ranch, Inc.		
Entity	Corporation	Citizenship	Texas
Address	Three Riverway Suite 1600 Houston, TX 77056 UNITED STATES		

Correspondence information	Paul C. Van Slyke Attorney for Opposer Locke Lord Bissell & Liddell LLP 600 Travis Street 2800 JPMorgan Chase Tower Houston, TX 77002-3095 UNITED STATES ipdocket-houston@lockelord.com, ppaquet@lockelord.com Phone:713-226-1200
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### Applicant Information

Application No	77740765	Publication date	01/26/2010
Opposition Filing Date	02/19/2010	Opposition Period Ends	02/25/2010
International Registration No.	NONE	International Registration Date	NONE
Applicant	HERNANDEZ, VICTOR HUERTA Rinconoda Santa Rita Rinconda Del Geranio NO 3544-1A Zapopan, Jalisco, C.P.45120 MEXICO		

### Goods/Services Affected by Opposition


Class 033.

All goods and services in the class are opposed, namely: Alcoholic beverages, namely, Tequila originating in Mexico

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77871858	Application Date	11/13/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	KING RANCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: Pickled green beans; jelly, namely, bean, chili, pepper, and cactus jelly		

U.S. Registration No.	2678133	Application Date	10/23/2001
Registration Date	01/21/2003	Foreign Priority Date	NONE
Word Mark	KING RANCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1991/11/16 First Use In Commerce: 1991/11/16 Hot sauce; barbecue sauce; picante sauce; and seasonings		

U.S. Registration No.	3658610	Application Date	04/09/2007
Registration Date	07/21/2009	Foreign Priority Date	NONE
Word Mark	KING RANCH		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 030. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 Chocolate covered nuts

U.S. Registration No.	3685548	Application Date	02/19/2009
Registration Date	09/22/2009	Foreign Priority Date	NONE

Word Mark	KING RANCH
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 1983/12/31 First Use In Commerce: 1983/12/31 Retail store services featuring apparel, footwear, hats, caps, belts, luggage, handbags, furniture, home furnishings and accessories, art work, rugs, lamps, vases, jewelry, watches, clocks, gift items, clothing, sporting goods, leather goods, saddles, hunting equipment, pottery, kitchenware, glassware, kitchen accessories, bathroom accessories, bedding, office furnishings and desk accessories, and specialty foods; on-line retail store services featuring apparel, footwear, hats, caps, belts, luggage, handbags, furniture, home furnishings and accessories, art work, rugs, lamps, vases, jewelry, watches, clocks, gift items, clothing, sporting goods, leather goods, saddles, hunting equipment, pottery, kitchenware, glassware, kitchen accessories, bathroom accessories, bedding, office furnishings and desk accessories, and specialty foods; mail order catalog services featuring apparel, footwear, hats, caps, belts, luggage, handbags, furniture, home furnishings and accessories, art work, rugs, lamps, vases, jewelry, watches, clocks, gift items, clothing, sporting goods, leather goods, saddles, hunting equipment, pottery, kitchenware, glassware, kitchen accessories, bathroom accessories, bedding, office furnishings and desk accessories, and specialty foods
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U.S. Registration No.	2678141	Application Date	10/31/2001
Registration Date	01/21/2003	Foreign Priority Date	NONE

Word Mark	KING RANCH
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 008. First use: First Use: 1998/12/29 First Use In Commerce: 1998/12/29 STEAK-BRANDING IRONS; STEAK KNIFE SETS Class 021. First use: First Use: 1998/12/29 First Use In Commerce: 1998/12/29 BARBECUE TOOL SETS, NAMELY, FORKS, TONGS, TURNERS; BOTTLE
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OPENERS; CORKSCREWS; WINE RACKS			
U.S. Registration No.	2370689	Application Date	05/04/1999
Registration Date	07/25/2000	Foreign Priority Date	NONE
Word Mark	KING RANCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1988/00/00 First Use In Commerce: 1988/00/00 Dinnerware; beverageware; coffee mugs; salt and pepper shakers; bowls; chip and dip servers; vegetable bowls; stone trivets; stone coasters; ice chests; beverage holders; charger plates; collector's plates; decorative plates; barware sold in sets; decorative boxes not of metal; napkins rings not of precious metal; service platters not of precious metal; and leather coasters		

U.S. Registration No.	3605227	Application Date	03/28/2008
Registration Date	04/14/2009	Foreign Priority Date	NONE
Word Mark	KING RANCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2002/05/21 First Use In Commerce: 2002/05/21 Decanters; cutting boards; drinking flasks; wine bottle cradles; vases; wastebaskets; back scratchers; portable beverage dispensers; dishes; butter dishes; serving dishes; travel mugs, namely, thermal insulated containers for beverages; decanters; bath accessories, namely, towel rings and rails, ceramic tissue box covers, toilet paper holders, soap dishes, cup holders, and dispensers for liquid soap, namely, soap pumps		

U.S. Registration No.	3658611	Application Date	04/09/2007
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Registration Date	07/21/2009	Foreign Priority Date	NONE
Word Mark	KING RANCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 Beef; jerky; processed nuts; candied nuts		

Related Proceedings	TTAB Proceeding No. 91193546: King Ranch IP, LLC and King Ranch, Inc. v. Victor Huerta Hernandez, Opposition against registration of the mark KING RANCH MEXICO, Application Serial No. 77/740,757
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Attachments	77871858#TMSN.jpeg ( 1 page )( bytes ) 77152076#TMSN.jpeg ( 1 page )( bytes ) 77673479#TMSN.jpeg ( 1 page )( bytes ) 75697531#TMSN.gif ( 1 page )( bytes ) 77434032#TMSN.jpeg ( 1 page )( bytes ) 77152091#TMSN.jpeg ( 1 page )( bytes ) RANCH KING MEXICO - Notice of Opposition.pdf ( 3 pages )(11196 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Paul C. Van Slyke/
Name	Paul C. Van Slyke
Date	02/19/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p>KING RANCH IP, LLC and KING RANCH, INC., Opposers</p> <p style="text-align: center;">v.</p> <p>VICTOR HUERTA HERNANDEZ Applicant</p>	<p>§ § § § § § § § § § §</p>	<p>Mark: RANCH KING MEXICO</p> <p>Serial No.: 77/740,765</p> <p>Published: January 26, 2010</p> <p>Attorney Docket No.: 0014262.00114</p>
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**NOTICE OF OPPOSITION**

Opposers, **King Ranch IP, LLC**, a Delaware limited liability company with a business address at 1105 N. Market Street, Suite 1300, Wilmington, Delaware 19801, and **King Ranch, Inc.**, a Texas corporation with a business address of Three Riverway Suite 1600, Houston, Texas 77056, hereby oppose the mark RANCH KING MEXICO that is the subject of application Serial No. 77/740,765, published in the *Official Gazette* on January 26, 2010, and request that registration to Applicant be refused.

As grounds for opposition, Opposers assert as follows:

1. By and through their predecessors and licensees, Opposers, for many years and since long prior to any date of first use or filing date upon which Applicant can rely, have adopted and continuously used the term “KING RANCH” as a trade name and trademark for the goods listed in the table below.

Mark	Reg. No.	Goods or Services
KING RANCH	77/871,858	Pickled green beans, jelly, namely, bean, chili, pepper and cactus jelly
KING RANCH	2,678,133	Hot sauce; barbeque sauce; picante sauce; and seasonings
KING RANCH	3,658,610	Chocolate covered nuts

<b>Mark</b>	<b>Reg. No.</b>	<b>Goods or Services</b>
KING RANCH	3,685,548	Retail store services featuring, among other things, specialty foods
KING RANCH	2,678,141	Bottle openers; corkscrews; wine racks
KING RANCH	2,370,689	Beverageware, beverageholders, and barware sold in sets
KING RANCH	3,605,227	Decanters, drinking flasks, wine bottle holders, and beverage dispensers
KING RANCH	3,658,611	Beef jerky and processed nuts

2. Opposer, King Ranch IP, LLC is the owner of the above trademark registrations for the KING RANCH mark. These registrations are valid, subsisting, unrevoked, and uncanceled.

3. Applicant has filed an intent-to-use application to register the mark RANCH KING MEXICO for alcoholic beverages, namely, tequila originating in MEXICO in International Classes 33. That application was filed on May 19, 2009 and assigned Serial No. 77/740,765.

4. Opposer King Ranch, Inc. has used the name KING RANCH continuously as its trade name since 1853 to the present time in connection with the goods listed, cattle ranching, hunting preserves, citrus farming, pecan farming and agricultural products.

5. Applicant's mark RANCH KING so resembles Opposers' previously used and registered mark and trade name KING RANCH as to be likely, when used in connection with the Applicant's proposed goods, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposers pray that the Opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

KING RANCH IP LLC and  
KING RANCH, INC.

Date: February 18, 2010

By: /Paul C. Van Slyke/  
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